REMARKS

Claims 12-19 remain in this application, but have been amended in a non-narrowing manner to better conform to US practice and form and to provide proper antecedent basis throughout the claims. In doing so, Applicants have amended claims 12-15 to proper US format for method claims as supported by the disclosure, at page 4, lines 3-25 and original claims 1-10. No new matter has been added.

In response to the Restriction Requirement set forth in the Office Action, Applicants hereby provisionally elect with traverse the invention of Group I, claims 16-17, drawn to a therapeutic agent or inhibitor that binds HMG box, wherein the agent or inhibitor comprises an antibody or antibody fragment. It is respectfully submitted that at least claims 12-19 are readable thereon. The reasons for traverse are as follows.

Applicants do not agree with the grounds for the requirement for restriction and point out that antibodies, antibody fragments, HMBG1 fragments and 4—way DNA are all inhibitors/antagonists of HMGB1 protein for use in vascular diseases.

More in particular, HMBG1 fragments carry out a competitive activity on HMGB1 since, for instance, HMBG1 A box peptide could antagonize the HMGB1 whole length protein by competitively binding to RAGE and has been considered as HMGB1 specific antagonist as reported in the literature (see

the attached document "Inhibition of tumor angiogenesis by GMGB1 A box peptide" ZHANG et al., 2007 Medical Hypothesis).

Further in this regard, it is noted the therapeutic agents of Groups I-III contain overlapping and related subject matter. For instance, a search of the therapeutic agent of Group I would necessarily overlap that of Groups II and III. Likewise, the methods of amended claims 12-15 require using the compositions of Groups I-III.

Thus, a search of any of Groups I-III would necessarily overlap that of method claims 12-15. As such, it is respectfully submitted that the groups of invention are sufficiently closely related that a search and examination of the entire application can be made without a serious burden to the Office.

Further, the grounds for traverse are that the outstanding Official Action fails to satisfy the requirements of PCT Rule 13.1 and 13.2.

PCT Rule § 13.1 states that an "International application shall relate to one invention only or a group of inventions so as to form a single general inventive concept". PCT Rule § 13.2 stipulates that when a group of inventions is claimed in one and the same International application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or

corresponding special technical features. The expression "special technical features" shall mean "those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art." Accordingly, PCT Rules 13.1 and 13.2 are art-based.

In an effort to satisfy this requirement, the Official Action cites to WO 02/074337 and argues that the technical feature linking Groups I-III appears to be that they all require the technical of an HMG box binding molecule/inhibitor. However, WO 02/074337 neither discloses nor suggests that for which it is offered, namely, use of such compound for treating vascular diseases. Accordingly, applicants respectfully submit that WO 02/074337 fails to satisfy the art-based requirement of PCT Rules 13.1 and 13.2. In this regard, Applicants respectfully request that the lack of unity determination be withdrawn and that a search and examination of all the claims in their full scope be undertaken.

Thus, it is believed that the Office Action fails to satisfy its burden in showing that claims lack of unity under the requirements of PCT Rules 13.1 and 13.2.

Lastly, it is respectfully submitted that had unity of invention been properly applied, unity would have been found to exist and all of the claims would have been examined together in this application. In this regard, in applying

this same legal standard with similar claims, the International Searching Authority did not determine the unity of invention as lacking. Thus, the Patent Office has the benefit of the search report, but fails to explain why a different legal conclusion was reached.

For these reasons, Applicants submit that the Office's request for restriction is improper. Thus, kindly search and examine of all the claims in their full scope together in this application.

In the event that the Office disagrees with the traversal and maintains the requirement, then kindly consider the possibility of rejoinder of the non-elected invention, upon a determination of allowance of the elected invention, per U.S. rejoinder practice (See M.P.E.P. § 821.04).

Favorable action on the merits is solicited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,
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Attachment:

1. Zhang et al., Med. Hypothesis, 70(2):343-5, 2007.